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EXAMINER

FISCHER, ANDREW J

ART UNIT

PAPER NUMBER

3627

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Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 20051209

Application Number: 09/931,358  
Filing Date: August 16, 2001  
Appellant(s): DODD, RUSSELL CHARLES

Mathew P. Fitzpatrick  
For Appellant

**EXAMINER'S ANSWER**

**MAILED**

DEC 19 2005

**GROUP 3600**

This is Examiner's Answer ("Answer") in response to the Appeal Brief filed August 19, 2005 ("Third Appeal Brief").

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals & Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. The statement is believed to be correct.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments***

There were no amendments after final submitted in this application.

**(5) *Summary of the Claimed Subject Matter***

The summary of invention contained in the brief is correct when viewed from Applicant's viewpoint.

**(6) *Grounds of Rejection to be Reviewed on Appeal***

Appellants statement of the grounds of rejection to be reviewed on appeal is correct. However, in order to expedite this application , because some rejections are redundant, the Examiner has dropped all prior art rejections except for those rejections relating to Peterson et.

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al. (U.S. 6,324,522) ("Peterson"). To be especially clear, all grounds of rejection not discussed by the Examiner are hereby withdrawn. Thus the only two (2) remaining grounds of rejection are:

1) Claims 1-9 and 14 are rejected under 35 U.S.C. §102(e) as being anticipated by Peterson.

2) Claims 1-9 and 14 are alternatively rejected under 35 U.S.C. §103 as being obvious in view of Peterson.

**(7) *Claims Appendix***

The copy of the claims on appeal in the Appendix is correct.

**(8) *Evidence Relied Upon***

6,324,522 B2	Peterson et. al. (" <u>Peterson</u> ")	3-2001
5,590,197 A	Chen et. al.	12-1996
6,115,690 A	Wong	9-2000

Gralla, Preston, How the Internet Works, Millennium Ed., Que Corporation, September 23, 1999.

**(9) *Grounds of Rejection***

The copy of the appealed claims contained in the Appendix to the brief is correct.

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**(10) Acknowledgments & Other Preliminary Matters**

1. An appeal conference was held on or about December 2, 2005. In addition to the Examiner of record, Supervisory Primary Alexander Kalinowski and Supervisory Patent Hyung Sough were present.
2. Unless expressly noted otherwise, all references in this Answer to the capitalized versions of "Appellant" or "Applicant" refers specifically the Appellant in this appeal. References to lower case versions of "appellants" or "applicants" refers to any or all patent appellant(s) or applicant(s) in general. Unless expressly noted otherwise, references to "Examiner" in this Answer refers to the Examiner of record while references to the lower case version of "examiner" refers to examiner(s) generally.
3. Unless expressly noted otherwise, the following three (3) citations to the Manual of Patent Examining Procedure ("MPEP") apply to this Office Action: MPEP citations to Chapters 200-900, 1200-1400, and 1700-1900, 2100, 2200, 2600 are from the MPEP 8<sup>th</sup> Edition, Rev. 3, August 2005. MPEP citations to Chapters 100, 1000, 1100, 1500, 2000, 2500, and 2700 are from the MPEP 8<sup>th</sup> Edition, Rev. 2, May 2004. MPEP citations to Chapters 1600, 2300, 2400 are from MPEP 8<sup>th</sup> Edition, August 2001.
4. This "First Examiner's Answer" is assigned Paper Number 20051209 by the Examiner.
5. There are *no* 'new grounds' of rejection in this First Examiner's Answer.
6. Paragraph numbering in this First Examiner's Answer is provided for reference purposes.

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**(12) New Issues in This Appeal**

7. The Examiner recognizes that the Board of Patent Appeals and Inferences (“Board”) has the power to examine or reexamine patent claims and raise issues sua sponte.

The members of the Board of Appeals are denominated ‘examiners-in-chief’ in both 35 U.S.C. 3 (‘Officers and employees’) and 35 U.S.C. [6]. The title chosen by the Congress implies that the members of the board have authority to *examine or reexamine* appealed claims. [Emphasis in original]. *In re Loehr*, 500 F.2d 1390, 1392-93, 183 USPQ 56, 58 (CCPA 1974).

8. However it also well known that arguments which Appellants could have made but chose not to make in their brief should not be considered by the Board. See 37 C.F.R. §1.192(a) (“Any arguments or authorities not included in the brief will be refused consideration by the Board of Patent Appeals and Interferences, unless good cause is shown.”).

9. The Examiner also notes that the Board is titled the “Board of Patent Appeals”<sup>1</sup> and not the ‘Board of Initial Examination.’ By restricting the Board to only *appeals*, the Board’s valuable time is not be wasted. Furthermore, while the Examiner recognizes that due process is an important consideration of the USPTO, Appellants are not pro se and are represented by presumptively competent counsel who could have raised any issue deemed meritorious to their case prior to this appeal. However, when the Board raises issues sua sponte, appellants must be given opportunity to challenge those issues. *In re Kumar*, 418 F3d 1361, 76 USPQ2d 1048 (Fed. Cir. 2005). This further increases the pendency of the application.

10. In light of the above and because the Examiner is not aware of the “good cause” as required by 37 C.F.R. §1.192(a), the Examiner respectfully requests the Board to refrain from

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<sup>1</sup> The formal name as stated in 35 U.S.C. §6(a) is the “Board of Patent Appeals and Inferences.”

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addressing issues sua sponte. While the Board clearly has the authority to raise such issues, a decision by the Appellants or the Examiner on whether or not to raise a particular issue is formed only after careful consideration of the extensive administrative record. Other issues may have been contemplated and investigated by Appellants or the Examiner yet not found in the written record because such arguments were considered unsupportive, weak, or tangential to the issues presented herein.

11. Nevertheless, because the Board very often addresses issues sua sponte, because an examiner's only recourse is therefore to anticipate such issues in his or her answer, and to help reduce pendency of this application, the Examiner again respectfully requests that the Board refrain from addressing issues sua sponte. To help reduce issues on appeal, the Examiner has withdrawn duplicative prior art rejections. In this case, the Examiner has tried to address issues that have been brought to the Examiner's attention in the past by both the Board and other applicants. While this increases the size of the Answer, it is believed to be the only way the Examiner can provide these arguments in a timely manner.

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**(15) Examiner's Arguments**

**Summary**

12. The relies on two rejection in this appeal. In the first rejection, all claims of record are anticipated by Peterson. In the second rejection, if the Board finds that the claims are not anticipated, the Examiner relies on the rejection that all claims are obvious in view of Peterson.

13. Additionally, the Examiner has organized this First Examiner's Answer in the Following manner:

Section 'I' in this First Examiner's Answer address lexicography.

Section 'II' in this First Examiner's Answer address all questions of fact and sets forth the Examiner's prima facie case of anticipation for claims 1-9 and 14 as disclosed by Peterson. In these particular rejections, the Examiner relies heavily on the embodiment in Peterson where the *manufacturer is the vendor and the distributor is the customer*.

Section 'III' in this First Examiner's Answer address all questions of law and set forth the Examiner's alternative arguments and a prima facie case of obviousness for claim 1-9 in view of Peterson.



### Section I – Lexicography

14. In light of Applicant's arguments in his Third Appeal Brief, after further review of the entire specification, and in order to reduce the issues in this appeal, the Examiner hereby adapts Applicant's lexicographic definitions for the following three (3) terms. Thus, when Applicant is his own lexicographer and successfully redefines a claim to have a meaning other than its ordinary and accustomed meaning, the claims *must* be examined using that meaning. See MPEP §2173.05(a) and *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("When the Applicant states the meaning that the claim terms are intended to have, the claims are examined with that meaning, in order to achieve a complete exploration of the Applicant's invention and its relation to the prior art."). Therefore the Examiner uses the following terms and definitions when examining the current claims of record:

15. The term '**customer**' is "any purchaser of goods where such purchaser intends to re-sell such goods to another entity, person, or groups of persons in the course of such customer's business."

16. The term '**consumer**' is: "any purchaser of goods where such purchaser will be the end user of such goods, or is not otherwise engaged in business or practice of sale of such goods to others."

17. The term '**goods**' has "the meaning accorded this term in the common law of United States jurisdictions and the Uniform Commercial Code as adopted by the Several States of the United States."

18. Applicant recites other lexicographic terms in his original specification. However, because these terms are not at issue in this appeal since they do not appear in the current claims,

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and because claim construction is generally restricted to disputed terms,<sup>2</sup> the Examiner will not address those terms at this time.

## Section II – Conclusions of Fact & Anticipation

19. Appellant is reminded that what a reference teaches is a question of fact. “What a reference teaches and whether it teaches toward or away from the claimed invention are questions of fact.” *Winner Int’l Royalty Corp. v. Wang*, 202 F.3d 1340, 53 USPQ2d 1580, 1587 (Fed. Cir. 2000) citing *In re Bell*, 991 F.3d 781, 784, 26 USPQ2d 1529, 1531 (Fed. Cir. 1993). During ex parte examination, examiners are required to make these factual determinations.<sup>3</sup> Additionally, these findings of fact are provided in accordance with *In re Morris* are simply as a factual source to support the Examiner’s claim interpretations (and ultimately the Board of Patent Appeals and Interferences claim interpretations<sup>4</sup>) during ex parte examination.

20. Furthermore, Applicant is also reminded that during ex parte examination, anticipation requires the examiner to meet the ‘All Elements Test.’ “It is axiomatic that anticipation of a

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<sup>2</sup> “Claim construction is a matter of resolution of disputed meanings and technical scope, to clarify and when necessary to explain what the patentee covered by the claims . . . .” *United States Surgical Corp. v. Ethicon, Inc.*, 103 F.3d 1554, 41 USPQ2d 1225, 1236 (Fed. Cir. 1997).

<sup>3</sup> See *In re Berg*, 320 F.3d 1310, 1315, 65 USPQ2d 2003, 2007 (Fed. Cir. 2003) (“As persons of scientific competence in the fields in which they work, examiners and administrative patent judges on the Board are responsible for making findings, informed by their scientific knowledge, as to the meaning of prior art references to persons of ordinary skill in the art . . . .”); *Waldemar Link GmbH & Co. v. Osteonics Corp.*, 32 F.3d 556, 558, 559, 31 USPQ2d 1855, 1857 (Fed. Cir. 1994) (“During the prosecution of the parent application, the patent Examiner acts as a factfinder.”).

<sup>4</sup> See *Gechter v. Davidson*, 116 F.3d 1454, 1460, 43 USPQ2d 1030, 1035 (Fed. Cir. 1997) (“[W]e hold that the Board is required to set forth in its opinions specific findings of fact and conclusions of law adequate to form a basis for our review.”).

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claim under §102 can be found only if the prior art reference discloses every element of the claim, and that anticipation is a fact question . . . .” *In re King*, 231 USPQ 136, 138 (Fed. Cir. 1986); see also *In re Schreiber*, 128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997) (“To anticipate a claim, a prior art reference must disclose every limitation of the claimed invention, either explicitly or inherently.”). In other words, all elements of the claimed invention must be disclosed in some fashion for the claim to be anticipated. Additionally, the All Elements Test is equally applicable to method claims although it is each method step which must be shown. “A method or process consists of one or more operative steps, and, accordingly, it is well established that a patent for a method or process is not infringed unless all steps or stages of the claimed process are utilized.” *NTP Inc. v. Research In Motion Ltd.*, 418 F.3d 1282, 75 USPQ2d 1763, 1790 (Fed. Cir. 2005)(citations and quotations omitted). Logically, the lack of a single structural element or step would negate anticipation. “[A]bsence from the reference of any claimed element negates anticipation.” *Kloster Speedsteel AB v. Crucible, Inc.*, 793 F.2d 1565, 1571, 230 USPQ 81, 84 (Fed. Cir. 1986).

21. Yet it is important to keep in mind that “[a]n anticipatory reference, however, need not duplicate word for word what is in the claims.” *Standard Havens Prods., Inc. v. Gencor Indus., Inc.*, 953 F.2d 1360, 1369, 21 USPQ2d 1321, 1328 (Fed. Cir. 1991). “While a reference must be considered not only for what it expressly teaches, but also for what it fairly suggests . . . .” *In re Bell*, 991 F.2d 781, 785, 26 USPQ2d 1529, 1532 (Fed. Cir. 1993) (citations and quotations omitted).<sup>5</sup> In other words, “[t]he use of patents as references is not limited to what the patentees

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<sup>5</sup> See also *In re Widmer*, 353 F.2d 752, 757, 147 USPQ 518, 523 (CCPA 1965)(noting that a reference is not limited to its examples, but is available for all that it fairly discloses and suggests).

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describe as their own inventions or to the problems with which they are concerned. They are part of the literature of the art, relevant for all they contain.” *In re Heck*, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983)(quoting *In re Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).<sup>6</sup>

22. It is the Examiner’s position that for anticipation, the Examiner can combine that what is old and well known in the art in combination with a reference. “A reference anticipates a claim if it discloses the claimed invention ‘such that a skilled artisan could take its teachings in combination with his own knowledge of the particular art and be in possession of the invention. [Emphasis in original.]’” *In re Graves*, 69 F.3d 1147, 1152, 36 USPQ2d 1697, 1701 (Fed. Cir. 1995) citing *In re LeGrice*, 301 F.2d 929, 936, 133 USPQ 365, 372 (CCPA 1962) and noting that regarding the claimed “simultaneously monitoring the selected multiple connection points,” the prior art “nevertheless anticipates [the claimed invention], even if it does not specifically disclose simultaneous monitoring of the output points, if simultaneous or parallel monitoring is within the knowledge of a skilled artisan.” *Graves*, 69 F.3d at 1152, 36 USPQ2d at 1701. See also *Helifix Ltd. v. Blok-Lok, Ltd.*, 208 F.3d 1339, 1347, 54 USPQ2d 1299, 1304 (Fed. Cir. 2000) (noting that “The brochure might nevertheless be anticipating if a person of ordinary skill in the art would understand the brochure as disclosing elements (8)-(10) and if such a person could have combined the brochure’s description of the invention with his own knowledge to make the claimed invention.”); and *In re Donohue*, 766 F.2d 531, 533, 226 USPQ 619, 621 (Fed. Cir. 1985) (“Such possession is effected if one of ordinary skill in the art could have combined the

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<sup>6</sup> See MPEP §2123, Subsection titled “Patents Are Relevant as Prior Art for All They Contain.”

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publication's description of the invention with his own knowledge to make the claimed invention," citing *In re LeGrice*, 301 F.2d at 939, 133 USPQ at 373-74.).

***Electronic Commerce:***

23. As noted in the Third Final Office Action:

Moreover, as a starting point and in reference to elementary electronic commerce systems, it is the Examiner's factual determination that web based electronic commerce systems are old and very well known in the art. Evidence to support this finding includes *e.g.* Chen et. al. (U.S. 5,590,197 A) ("Chen") and Wong (U.S. 6,115,690 A). Chen and Wong exemplify basic features that are well within the knowledge of one of ordinary skill in this art. See also Danneels et. al. (U.S. 6,272,472) for an exemplary web based catalog-like electronic commerce system.

24. Because Applicant has not traversed or challenged in any manner the Examiner's factual finding that Chen and Wong exemplify basic features that are well within the knowledge of one of ordinary skill in this art, such features are considered well within the knowledge of one of ordinary skill in this art.

25. While Applicant provides drawings and a complex description of his claimed invention in his Third Appeal Brief, those drawings and accompanying discussion are not found in the pending claims.

26. With the above in mind, the Examiner notes the following from Peterson:

This invention relates in general to distribution networks for distributing parts from a manufacturer, through vendors, to end-users. More particularly, the invention relates to integrating a maintenance supply network with an information network for selectively distributing information about inventory levels and pricing among vendors, manufacturers, and end users, and efficiently transferring inventory between parties according to prearranged terms. [Emphasis added.] Peterson C1, L9-17.

[T]he term "vendor" means a party that sells an item to another party. Principally, vendors are distributors who sell the item to their customers.

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Customers are principally end users of the item, who use the item in maintenance or repair, rather than for subsequent transfer to other parties. However, when considering a transaction between a manufacturer and the manufacturer's distributor, *the manufacturer is the vendor and the distributor is the customer*. Distributors can also be customers of other distributors, for example, when purchasing parts from another distributor for resale to end users. [Emphasis added.] Peterson, C3, L9-17.

27. In light of the above, the Examiner finds that Peterson discloses how "the manufacturer is the vendor and the distributor is the customer." Peterson, C3, L17-19.

After this purchase by the middleman, the "vendors are distributors who sell the item to their customers. Customer are principally end user of the item . . . ." Id. *These finding of fact are key to the Examiner's analysis.*

28. Additionally, Peterson also directly discloses a user interface in the form of a Internet browser that enables *all* uses of the system to gain access:

Access to the home page can be gained in any suitable conventional fashion, such as dial-up access to a modem connected to the information network, or access to the information network through *an interface* with the Internet global computer network. Once the computer is in communication with the information network, a log-on page is displayed on the user's computer. In the next step 104, the user "logs on" (gains access) to the information network by entering a user name and password in the appropriate field of the log-on page. Access is granted to the information network if the user name and password entered match data stored in the information network. The home page is displayed when access to the information network is gained by the user. The home page, and the other pages of the information network site accessed by the user through the home page, displays information to the user, and will typically indicate various functions which the user can access by actuating a graphic "button". As is typical, in the preferred embodiment such buttons are actuated by moving a graphic input device, such as a computer mouse or trackball, to point to the button with a cursor and clicking, or actuating, a switch on the graphic input device. *It is contemplated, however, that any suitable interface device could be used to communicate user input to the information network.* It is also contemplated that non-graphical interface programs can be used to access the functions of the information network, with textual (alphanumeric) information displayed on the user's computer page. In such a case, access to different functions of the information network could be gained through instructions entered from the user's computer keyboard; the use of

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function keys to speed operations in this mode of use is contemplated. [Emphasis added.] Peterson C6, L57 to C7, L28.

***The Two Scenarios Applied***

29. For anticipation, two (2) scenarios as directly disclosed in Peterson are applied. For example, the “user” having a “user ID” in Peterson (e.g. as disclosed in C24,L10-25) in the first sale is the Reseller (or distributor) in the transactions between the Seller and Reseller (i.e. in the first sale between the manufacturer and the distributor). This makes sense because the Examiner relies on the disclosure where “the manufacture is the vendor and the distributor is the customer.”

30. Next, after the distributor has purchased his or her consumer goods and desires to resell them, the “user” in the second sale is the End User (or customer) in the transactions between the Reseller and the End User (i.e. in the second sale between the distributor and the customer). In this instance, the Examiner relies on the embodiments where “vendors are distributors who sell the item to their customers. Customer are principally end user of the item . . . .”

31. Because Peterson directly discloses these possible scenarios, and because these scenarios are not mutually exclusive, the Examiner finds that the two sales taken together (i.e. the two scenarios) constitute a single embodiment in Peterson.

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32. In order to help the Board understand the various parties involved, the Examiner has summarized the parties and their respective roles in **Table 1** below:

<b>'Parties' or What They Do</b>	<b><u>Peterson</u></b>	<b>Claimed Invention</b>
Seller	"Manufacturer" is the Vendor or Seller	Not in Claim 1
Reseller (Role as Buyer)	Distributor is the Customer, or "User," or 1 <sup>st</sup> Buyer in initial Sale;	"Customer"
Reseller (Role as Subsequent Seller)	Distributor is the Vendor who sells the Item	"Customer"
End User	"Customer" or "User" is the Buyer Who Buys from the Reseller in subsequent Sale	"Consumer"

**Table 1: *Equating the Parties*, From Peterson, C3, L10-22.**

### SUMMARY

33. In summary and to be especially clear, the Examiner has provided **Table 1** which equates the terminology and the parties involved. In particular, the Examiner first relies on the discussions in Peterson where "the manufacturer is the vendor and the distributor is the customer" for the first sale. Once the consumer goods are purchased, the Examiner



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relies on the Peterson's discussion where "vendors are distributors who sell the item to their customers. Customer are principally end user of the item . . . ."

34. Thus, the distributor (by definition) then resells the consumer product to the end user. With Table 1 in mind, a prima facie case of anticipation is established and is set forth in the Appendix, Table 2.

### Section II – Obviousness – An Alternative Rejection

35. If the Board finds that claims 1-9 and 14 are not anticipated, the Examiner provided an alternative rejection. In particular, the Third Final Rejection mailed December 23, 2004 expressly stated:

Claims 1-9 and 14 are alternatively rejected under 35 U.S.C. §103(a) as being unpatentable over Peterson '522.<sup>7</sup> It is the Examiner's principle position that the claims are anticipated because the sales projection information that is customized on the basis of planned promotional activities is inherent (i.e. the item is on sale).

However if not inherent, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Peterson '522 to include the sales projection information that is customized on the basis of planned promotional activities.

Moreover, if not inherent in Peterson '522, the missing elements in Peterson '522 are nonfunctional descriptive material and are not functionally involved in the steps claimed (*i.e.* the steps of "providing . . . product information" is in no way dependent upon the content of the of what is provided). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the content of Peterson '522 with any type of content. The descriptive material will not distinguish the claimed invention over the prior art in terms of patentability because the data does not functionally relate to the steps in the method. See *In re. Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). See also MPEP §2106 IV B.

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<sup>7</sup> See MPEP §2112 expressly authorizing alternative §102/§103 rejections when the question of inherency is present in the anticipation rejection.

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36. In other words, it is the Examiner's position that "consumer sales projection information" is non functional descriptive material. At least in claim 1, the "consumer sales projection information" is not in any way functionally related to the method step. Whether the information is "consumer sales projection information" or other information. For this reason, even if the Board reversed the anticipation rejections, the Examiner urges the Board to affirm the obviousness rejections.

### **Section III – Response to Arguments**

37. The Examiner has adapted Appellant's arguments regarding lexicography.

38. Appellant argues that "there is no indication that the product information about the product itself is provided to the vendor customized is customized on the basis of vendor information." The Examiner respectfully disagrees because the 'price' is provided to the vendor and it is based upon the provided vendor information.

39. Regarding 'consumer sales projection information,' it is the Examiner's position that the number of products purchased by the vendor (as distributor or middleman) is based upon its projected consumer sales. In other words, if the vendor believes he or she will sell 100,000 units, the amount purchased will be factored into the vendor's purchase. Alternatively, if the vendor believes he or she will sell 10 units, this too is factored into the vendor's purchase. Clearly the number of units purchased by the vendor is—at least in part—related to the projected sales. Additionally, because the number of units purchased by the vendor is calculated with respect to *all* customers, the number of units purchased by the vendor is calculated with respect to at least one customer.

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40. Appellant has not provided additional arguments with respect to the §103 rejection.
41. Regarding claim 14, Appellant argues features that are not present in the claims.
42. The Examiner requests the opportunity to present arguments at an oral hearing.
43. For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

 12/10/05

Andrew J. Fischer  
Primary Examiner  
Art Unit 3627

Conferees

Hyung Sough, Supervisor Primary Examiner   
Alexander Kalinowski, Supervisor Patent Examiner 

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AJF  
December 9, 2005

**APPENDIX****TABLE 2 – Claim 1 and Peterson**

<b>Clause No.</b>	<b>Claim 1</b>	<b><u>Peterson</u> (U.S. 6,324,522 B2)</b>
1	Providing an interface to a plurality of customers, wherein said customers are purchases of goods for subsequent sale to consumers	The system provides a user interface (via the Internet and Browser [C6, L42-56]) wherein the distributors purchase goods from manufacturers for subsequent sale to customers ( <i>i.e.</i> end users). C3, L11-22.
2	Receiving customer identification information form at least of said customer, said receiving being accomplished through the use of said interface	"The user [distributor as 1 <sup>st</sup> buyer] "logs on" (gains access) to the information network by entering a user name and password in the appropriate field of the log-on page." C6, L62-67. The vendor as 'user' or buyer uses their user "user ID" to log on.
3	Receiving from at least one customer an indication of purchase interest in at least one consumer product,	Receiving from at least one customer (the vendor is customer who is using the system to buy products) for sale to the consumers an "order." C22, L49+ and "Order Entry." In the role as buyer, the vendor/customer requests a price quote. Col. 6, ~ lines 61-65.
4	Wherein at least one consumer product is selected by at least one of said customers from a plurality of consumer products available for sale	Inherent since the user can search for a desired product from all the products available.
5	Wherein the identity of said plurality of consumer products is made known to said plurality of customers through the use of said Interface	The identity of said plurality of consumer products ( <i>e.g.</i> Part No. [C26, L59]) is made known to said plurality of customers via the browser when the customer performed a search by <i>e.g.</i> keyword, or text description [C24, L44-50]
6	(d) Accessing customer information, related to said at least one of said customer from a pre-existing database	Upon log-on, the system accesses customer information in the form of user ID and password from a pre-existing database in order to compare the two & gain access. C6, 61-67.
7	Providing to said at least one of said customers product information regarding said at least one consumer product through the use of said interface	Providing Part No, description, and/or Price to the vendor/customer

<b>Clause No.</b>	<b>Claim 1</b>	<b><u>Peterson</u> (U.S. 6,324,522 B2)</b>
8	Wherein said product information provided is customized on the basis of said customer information accessed in step (d)	The price information is customized on the basis of the customer's user ID. See C24, L9-20 where the price is customized and based upon the user's ID given at log-on.
9	Wherein at least some of the product information provided comprises consumer sales projection information calculated with respect to at least one of said customers	At least some of the product information provided to the system (e.g. quantity ordered by the vendor as buyer) is based upon end user sales projection information (the quantity the vendor as buyer believes the consumer as end user will eventually purchase

*Table 2 - Continued***TABLE 3 – Claim 14 and Peterson**

<b>Clause No.</b>	<b>Claim 14</b>	<b><u>Peterson</u> (U.S. 6,324,522 B2)</b>
10	Wherein said consumer sales projection information is customized on the basis of planned promotional activities with respect to at least one consumer product.	Inherent since the consumer sales projection information is customize to take into account reduced price 'sales' (e.g. holiday sales where the goods are marked down). Thus, if the vendor as buyer knows he or she will have a sale soon, they will purchase more products.